

Appl. No. 10/740,261
Docket No. 9475
Amdt. dated September 24, 2007
Reply to Office Action mailed on May 22, 2007
Customer No. 27752

REMARKS

Claim Status

Claim 1 has been amended to define the claimed invention with greater specificity by reciting that the synthetic fibers are non-randomly distributed within a layer of a fibrous structure such that a cross-section of the structure comprises a non-random pattern of regions comprising the synthetic fibers. Support for this amendment is found throughout the Specification especially at pages 8-9 and Figures 9 and 10, and in the claims as originally filed.

Claims 17 and 22 have been cancelled without prejudice.

Claims 1-6, 8-15 and 18-20 are pending in the present application. No additional claims fee is believed to be due.

Claim Objections

Claim 17 is rejected by the Examiner under 37 CFR 1.75(c) as allegedly being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicants submit that is objection is now moot in light of the cancellation of Claim 17.

Rejection Under 35 USC §112, First Paragraph

Claims 1-6, 8-15, 17-20, and 22 are rejected by the Examiner 35 USC §112, first paragraph, as allegedly failing to comply with the written description requirement.

Applicants respectfully submit that Claim 1, as amended, and Claims 2-6, 8-15 and 18-20 (Claims 17 and 22 have been cancelled), which ultimately depend from Claim 1, as amended, comply with the written description requirement.

Rejection Under 35 USC §112, First Paragraph

Claims 1-6, 8-15, 17-20, and 22 are rejected by the Examiner 35 USC §112, first paragraph, as allegedly failing to comply with the written enablement requirement.

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Applicants respectfully submit that Claim 1, as amended, and Claims 2-6, 8-15 and 18-20 (Claims 17 and 22 have been cancelled), which ultimately depend from Claim 1, as amended, comply with the written enablement requirement.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595 in view of U.S. Patent No. 5,350,624 or U.S. Patent No. 6,617,490

Claims 1, 5-6, 17-20, and 22 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 5,538,595 to Trokhan, et al. ("Trokhan") in view of U.S. Patent No. 5,350,624 to Georger, et al. ("Georger") or U.S. Patent No. 6,617,490 to Chen, et al. ("Chen"). The Examiner asserts that Trokhan discloses a fibrous structure comprising at least two layers wherein one of the layers comprises long cellulosic fibers and another layer comprises short cellulosic fibers. The Examiner asserts that Trokhan further discloses that synthetic fibers may be utilized in combination with the cellulosic fibers. The Examiner recognizes that Trokhan is silent with regard to the specific arrangement of synthetic fibers and cellulosic fibers. However, the Examiner asserts that Georger and/or Chen teach that it is known in the art to arrange cellulosic fibers and synthetic fibers with regions of different basis weight in a non-random pattern.

The Examiner asserts that Georger discloses a single layer nonwoven structure composed of synthetic fibers and cellulosic fibers, wherein the structure comprises a first exterior surface, a second exterior surface, and an interior portion. The Examiner states that Georger teaches the use of regions with different basis weight in a non-random pattern wherein the synthetic fibers are present in a greater amount (at least 60%) in each of the exterior surfaces and present in a lesser amount (less than 40%) in the interior portion.

The Examiner asserts that Chen discloses a single layer composite material comprising pulp fibers and polymer, such as the materials disclosed in Georger. Therefore, the Examiner concludes that Chen discloses that its synthetic fibers and cellulosic fibers are present throughout its nonwoven single layer structure with regions of different basis weight in a non-random pattern.

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Applicants respectfully submit that Trokhan in view of Georger and/or Chen fail to teach each and every element of Claim 1, as amended, because Trokhan, Georger and Chen, alone or in combination, fail to teach a structure that comprises synthetic fibers that are non-randomly distributed within a layer of a fibrous structure such that a cross-section of the structure comprises a non-random pattern of regions comprising the synthetic fibers. Accordingly, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Trokhan in view of Georger and/or Chen. MPEP 2143.03. Further, Applicants respectfully submit that Claims 5-6 and 18-20 (Claims 17 and 22 have been cancelled), which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan in view of Georger and/or Chen for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan in view of Georger and/or Chen. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over Trokhan in view of Georger or Chen

and Further in view of U.S. Patent No. 6,548,731

Claims 2-3 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Georger and/or Chen, all three of which are discussed above, and further in view of U.S. Patent No. 6,548,731 to Mizutani, et al. ("Mizutani"). The Examiner recognizes that Trokhan, Georger and Chen fail to teach a specific fiber length ratio of synthetic fibers to short cellulosic fibers. The Examiner asserts that Mizutani teaches a synthetic fiber to short fiber ratio of 1 to 13.

Applicants respectfully submit that Claims 2 and 3, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan in view of Georger and/or Chen and further in view of Mizutani for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan in view of Georger and/or Chen. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over Trokhan in view of Georger and/or Chen

and Further in View of WO 93/14267

Claims 4, 8-12, and 15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Georger and/or Chen, all three of which are discussed above, and further in view of WO 93/14267 to Manning

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("Manning"). The Examiner recognizes that Trokhan, Georger and Chen fail to teach a PTP factor between the synthetic fibers and the short cellulosic fibers. The Examiner asserts that Manning teaches synthetic fibers with a diameter of about 0.5 to 15 denier and cellulosic fibers with a diameter of 1 to 30 denier and, thus apparently a PTP factor of greater than about 0.75.

Applicants respectfully submit that Claims 4, 8-12 and 15, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan in view of Georger and/or Chen and further in view of Manning for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan in view of Georger and/or Chen. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over Trokhan in view of Georger and/or Chen
and Further in view of U.S. Patent No. 4,202,959

Claim 9 is rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Georger and/or Chen, all three of which are discussed above, and further in view of U.S. Patent No. 4,202,959 to Henbest, et al. ("Henbest"). The Examiner recognizes that Trokhan, Georger and Chen fail to teach synthetic fiber diameters and lengths. The Examiner asserts that Henbest teaches synthetic fibers with a length weighted average fiber length of more than about 2 mm with an average fiber width of not more than 25 mm. The Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to use synthetic fibers with a length weighted average fiber length of more than about 2 mm and a diameter of more than about 15 microns.

Applicants respectfully submit that Claim 9, which depends from Claim 1, as amended, is not rendered obvious over Trokhan in view of Georger and/or Chen and further in view of Henbest for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan in view of Georger and/or Chen. MPEP 2143.03.

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Rejection Under 35 USC §103(a) Over Trokhan in view of Georger and/or Chen
and Further in view of U.S. Patent No. 5,405,499 or U.S. Patent No. 5,409,572

Claims 13-14 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Georger and/or Chen, all three of which are discussed above, and further in view of U.S. Patent No. 5,405,499 to Vinson ("Vinson") or U.S. Patent No. 5,409,572 to Kershaw et al. ("Kershaw"). The Examiner recognizes that Trokhan, Georger and Chen fail to teach specific coarseness values. The Examiner asserts that Vinson and/or Kershaw teach that it is known in the art to use a low coarseness, such as less than 25mg/100m.

Applicants respectfully submit that Claims 13 and 14, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan in view of Georger and/or Chen and further in view of Vinson and/or Kershaw for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan in view of Georger and/or Chen. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over Trokhan in view of Mizutani

Claims 1-3, 5-6, 17-20, and 22 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Mizutani, both of which are discussed above. The Examiner recognizes that Trokhan fails to teach the specific arrangement of synthetic fibers and cellulosic fibers. However, the Examiner asserts that Mizutani teaches that it is known in the art to arrange cellulosic fibers and synthetic fibers with regions of different basis weight in a non-random pattern.

Applicants respectfully submit that Trokhan in view of Mizutani fail to teach each and every element of Claim 1, as amended, because Trokhan and Mizutani, alone or in combination, fail to teach a structure that comprises synthetic fibers that are non-randomly distributed within a layer of a fibrous structure such that a cross-section of the structure comprises a non-random pattern of regions comprising the synthetic fibers. Accordingly, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Trokhan in view of Mizutani. MPEP 2143.03. Further, Applicants respectfully submit that Claims 2-3, 5-6 and 18-20 (Claims 17 and 22 have been cancelled), which ultimately depend from Claim 1, as amended, are not rendered obvious

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over Trokhan in view of Mizutani for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan in view of Mizutani. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over Trokhan in view of Mizutani

and Further in view of Manning

Claims 4, 8-12, and 15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Mizutani and further in view of Manning, all of which are discussed above. The Examiner recognizes that Trokhan in view of Mizutani fail to teach a PTP factor.

Applicants respectfully submit that Claims 4, 8-12 and 15, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan in view of Mizutani and further in view of Manning for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan in view of Mizutani. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over Trokhan in view of Mizutani

and Further in view of Henbest

Claim 9 is rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Mizutani and further in view of Henbest, all of which are discussed above. The Examiner recognizes that Trokhan in view of Mizutani fail to teach synthetic fiber diameters and lengths. The Examiner asserts that Henbest teaches synthetic fibers with a length weighted average fiber length of more than about 2 mm with an average fiber width of not more than 25 mm. The Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to use synthetic fibers with a length weighted average fiber length of more than about 2 mm and a diameter of more than about 15 microns.

Applicants respectfully submit that Claim 9, which depends from Claim 1, as amended, is not rendered obvious over Trokhan in view of Mizutani and further in view of Henbest for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan in view of Mizutani. MPEP 2143.03.

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Rejection Under 35 USC §103(a) Over Trokhan in view of Mizutani

and Further in view of Vinson or Kershaw

Claims 13-14 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Mizutani and further in view of Vinson or Kershaw, all of which are discussed above. The Examiner recognizes that Trokhan in view of Mizutani fail to teach specific coarseness values. The Examiner asserts that Vinson and/or Kershaw teach that it is known in the art to use a low coarseness, such as less than 25mg/100m.

Applicants respectfully submit that Claims 13 and 14, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan in view of Mizutani and further in view of Vinson and/or Kershaw for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan in view Mizutani. MPEP 2143.03.

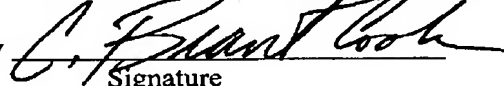
Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By



Signature

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